

**ORIGINAL**

**OPEN MEETING  
MEMORANDUM**



0000040385

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**TO: THE COMMISSION**

2001 NOV 28 P 12:02

**FROM: Utilities Division**

AZ CORP COMMISSION  
DOCUMENT CONTROL

**DATE: November 28, 2001**

**RE: IN THE MATTER OF THE APPLICATION OF QWEST CORPORATION FOR APPROVAL OF THE UNBUNDLED NETWORK ELEMENTS PLATFORM AMENDMENT TO THE INTERCONNECTION AGREEMENT WITH MCIMETRO ACCESS TRANSMISSION SERVICES, LLC. FOR THE STATE OF ARIZONA (DOCKET NOS. T-01051B-01-0836 AND T-03574A-01-0836)**

On October 23, 2001, Qwest Corporation ("Qwest") filed an Application for approval of an Amendment to the Interconnection Agreement between Qwest and MCImetro Access Transmission Services, LLC for the State of Arizona ("MCImetro"). The original Interconnection Agreement was approved by the Commission on July 30, 1997, in Decision No. 60308.

The Telecommunications Act of 1996 ("1996 Act") directed incumbent local exchange carriers to make their networks available for interconnection and resale by new entrants to the local exchange market. The 1996 Act provides for interconnection and resale agreements to be concluded by voluntary negotiation. This Amendment to the Interconnection Agreement between Qwest and MCImetro was voluntarily negotiated, without resort to arbitration.

Under the terms of this Amendment, terms and conditions for the Unbundled Network Elements Platform are added.

According to the 1996 Act and State Rule, the Commission must approve voluntarily negotiated interconnection and resale agreements if their provisions are non-discriminatory and in the public interest. Staff has reviewed the Amendment and finds it to be non-discriminatory and in the public interest. Qwest is offering the same terms and conditions of the Agreement to all other interested parties. The Agreement is in the public interest because it will act to further competition in the local exchange market in Arizona.

Arizona Corporation Commission

**DOCKETED**

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**THE COMMISSION**

**November 28, 2001**

**Page 2**

Since there are no grounds for rejection of the Amendment pursuant to Section 252(e)(2)(A) of the 1996 Act, Staff recommends that the Commission approve the Amendment to the Interconnection Agreement between Qwest and MCimetro.



**Ernest G. Johnson**

**Director**

**Utilities Division**

**EGJ:EAA:rdp/JMA**

**ORIGINATOR: Erinn Andreasen**

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 WILLIAM A. MUNDELL  
Chairman  
3 JIM IRVIN  
Commissioner  
4 MARC SPITZER  
Commissioner  
5

6 IN THE MATTER OF THE APPLICATION ) DOCKET NOS. T-01051B-01-0836  
OF QWEST CORPORATION FOR APPROVAL ) T-03574A-01-0836  
7 OF AN UNBUNDLED NETWORK ELEMENT )  
PLATFORM AMENDMENT TO THE )  
8 INTERCONNECTION AGREEMENT WITH ) DECISION NO. \_\_\_\_\_  
MCIMETRO ACCESS TRANSMISSION )  
9 SERVICES, LLC FOR THE STATE OF )  
ARIZONA ) ORDER

10  
11 Open Meeting  
December 18 and 19, 2001  
12 Phoenix, Arizona

13 BY THE COMMISSION:

14 FINDINGS OF FACT

15 1. On October 23, 2001, Qwest Corporation ("Qwest") filed an Application for  
16 approval of an Amendment to the Interconnection Agreement between Qwest and MCImetro  
17 Access Transmission Services, LLC for the State of Arizona ("MCImetro"). The original  
18 Interconnection Agreement was approved by the Commission on July 30, 1997, in Decision No.  
19 60308.

20 2. The Telecommunications Act of 1996 ("1996 Act") directed incumbent local  
21 exchange carriers to make their networks available for Interconnection and Resale by new  
22 entrants to the local exchange market. The 1996 Act provides for interconnection and resale  
23 agreements to be concluded by voluntary negotiation.

24 3. This Amendment to the Interconnection Agreement between Qwest and MCImetro  
25 was voluntarily negotiated, without resort to arbitration.

26 4. Under the terms of this Amendment, terms and conditions for the Unbundled  
27 Network Elements Platform ("UNE-P") are added.

28 ...

1           5.     According to the 1996 Act and Commission Rule, the Commission must approve  
2 voluntarily negotiated interconnection and resale agreements, if their provisions are non-  
3 discriminatory and in the public interest.

4           6.     Staff has reviewed the Amendment and finds it to be non-discriminatory and in the  
5 public interest. Qwest is offering the same terms and conditions of the Agreement to all other  
6 interested parties. The Agreement is in the public interest because it will act to further  
7 competition in the local exchange market in Arizona.

8           7.     Since there are no grounds for rejection of the Amendment pursuant to Section  
9 252(e)(2)(A) of the 1996 Act, Staff has recommended that the Commission approve the  
10 Amendment to the Interconnection Agreement between Qwest and MCImetro.

11                               CONCLUSIONS OF LAW

12           1.     Qwest is an Arizona public service corporation within the meaning of Article XV,  
13 Section 2, of the Arizona Constitution.

14           2.     The Commission has jurisdiction over MCImetro and over the subject matter of the  
15 Application.

16           3.     The Commission, having reviewed the Application and Staff's Memorandum has  
17 determined that the Amendment to the Interconnection Agreement negotiated between Qwest and  
18 MCImetro meets the requirements of Section 252(e)(2)(A) of the 1996 Act which governs the  
19 approval of voluntarily-negotiated agreements and is in the public interest.

20           4.     The Commission maintains jurisdiction over the subject matter of the Agreement  
21 and Amendments thereof, to the extent permitted pursuant to the powers granted the Commission  
22 by the Arizona Constitution, Statutes, Commission Rule, and the 1996 Act and the Rules  
23 promulgated thereunder.

24 ...

25 ...

26 ...

27 ...

28 ...

ORDER

IT IS THEREFORE ORDERED that the Commission hereby approves the UNE-P Amendment to the Interconnection Agreement between Qwest and MCImetro filed on October 23, 2001.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

**BY ORDER OF THE ARIZONA CORPORATION COMMISSION**

CHAIRMAN

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive Secretary of the Arizona Corporation Commission, have hereunto, set my hand and caused the official seal of this Commission to be affixed at the Capitol, in the City of Phoenix, this \_\_\_\_ day of \_\_\_\_\_, 2001.

\_\_\_\_\_  
BRIAN C. McNEIL  
Executive Secretary

DISSENT: \_\_\_\_\_

EGJ:EAA:rdp/JMA

1 SERVICE LIST FOR: Qwest Corporation and MCImetro Access Transmission Services, LLC

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